

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DAVID E. BANKS,

Petitioner,

: Case No. 3:14-cv-393

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

WARDEN, Chillicothe Correctional  
Institution,

:

Respondent.

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**ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #9), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Supplemental Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition for Writ of Habeas Corpus be DISMISSED with prejudice. Petitioner is DENIED any requested certificate of appealability and is not permitted to proceed *in forma pauperis*. The Court also certifies to the United States Court of Appeals that an appeal would be objectively frivolous.

January 8, 2015

\*/Thomas M. Rose

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Thomas M. Rose  
United States District Judge